

MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

ROSS LEVAY

*(Write the full name of each plaintiff who is filing this complaint.
If the names of all the plaintiffs cannot fit in the space above,
please write "see attached" in the space and attach an additional
page with the full list of names.)*

v.

DAVID MORKEN, BANDWIDTH.COM CEO;
BANDWIDTH.COM CLEC., LLC;
BANDWIDTH INC.

*(Write the full name of each defendant who is being sued. If the
names of all the defendants cannot fit in the space above, please
write "see attached" in the space and attach an additional page
with the full list of names.)*

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: Yes No
(check one)

Complaint for a Civil Case

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|-----------------------------|
| Name | <u>ROSS LEVAY</u> |
| Street Address | <u>PO BOX 271</u> |
| City and County | <u>BAY CITY</u> |
| State and Zip Code | <u>MI 48707</u> |
| Telephone Number | <u>619-764-1804</u> |
| E-mail Address | <u>ROSSLEVAY@ICLOUD.COM</u> |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

| | |
|------------------------------|----------------------------|
| Name | <u>DAVID MORKEN</u> |
| Job or Title (if known) | <u>CEO</u> |
| Street Address | <u>900 MAIN CAMPUS DR.</u> |
| City and County | <u>RALEIGH</u> |
| State and Zip Code | <u>NC 27606</u> |
| Telephone Number | <u>800-808-5150</u> |
| E-mail Address (if known) | <u>LEGAL@BANDWIDTH.COM</u> |

Defendant No. 2

| | |
|------------------------------|----------------------------------|
| Name | <u>BANDWIDTH.COM CLEC., LLC.</u> |
| Job or Title (if known) | <u></u> |
| Street Address | <u>900 MAIN CAMPUS DR.</u> |
| City and County | <u>RALEIGH</u> |
| State and Zip Code | <u>NC 27606</u> |
| Telephone Number | <u>800-808-5150</u> |
| E-mail Address (if known) | <u>LEGAL@BANDWIDTH.COM</u> |

Defendant No. 3

| | |
|------------------------------|----------------------------|
| Name | <u>BANDWIDTH INC.</u> |
| Job or Title (if known) | |
| Street Address | <u>900 MAIN CAMPUS DR.</u> |
| City and County | <u>RALEIGH</u> |
| State and Zip Code | <u>NC 27606</u> |
| Telephone Number | <u>800-808-5150</u> |
| E-mail Address (if known) | <u>LEGAL@BANDWIDTH.COM</u> |

Defendant No. 4

| | |
|------------------------------|--|
| Name | |
| Job or Title (if known) | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address (if known) | |

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

Federal question

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

N/A, DIVERSITY OF CITIZENSHIP

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) ROSS LEVAY,
is a citizen of the State of (name) MI.

b. If the plaintiff is a corporation

The plaintiff, (name) _____,
is incorporated under the laws of the State of (name)
_____, and has its principal place of business in the
State of (name) _____.

*(If more than one plaintiff is named in the complaint, attach an additional page
providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) DAVID MORKEN, is a citizen of the
State of (name) NC. Or is a citizen of (foreign
nation) _____.

b. If the defendant is a corporation

The defendant, (name) BANDWIDTH.COM CLEC, is incorporated
under the laws of the State of (name) NC, and
has its principal place of business in the State of (name)
NC. Or is incorporated under the laws of
(foreign nation) _____, and has its principal place
of business in (name) _____.

*(If more than one defendant is named in the complaint, attach an additional
page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

Requested Compensatory Damages of \$600,000;

Statutory Damages of \$7.46M;

Punitive/Exemplary multiplier of 526 to 1

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

PLEASE SEE ATTACHED STATEMENT OF CLAIM AND REQUESTED RELIEF

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

PLEASE SEE ATTACHED STATEMENT OF CLAIM AND REQUESTED RELIEF

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: NOVEMBER 27, 2020.

Signature of Plaintiff

Printed Name of Plaintiff ROSS LEVAY

MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case

Additional Information:

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ROSS LEVAY

(b) County of Residence of First Listed Plaintiff BAY COUNTY
(EXCEPT IN U.S. PLAINTIFF CASES)

PRO SE Attorneys (Firm Name, Address, and Telephone Number)
 PO BOX 271, BAY CITY MI 48707,
 619-764-1804

DEFENDANTSDAVID MORKEN, BANDWIDTH.COM CEO; BANDWITH.COM CLEC, LLC.;
 BANDWIDTH INC.County of Residence of First Listed Defendant WAKE COUNTY
*(IN U.S. PLAINTIFF CASES ONLY)*NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
 THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

| | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i> |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i> |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

| | PTF | DEF | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|--|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input checked="" type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions](#).

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|--|---|---|
| <input type="checkbox"/> 110 Insurance | PERSONAL INJURY | PERSONAL INJURY | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 375 False Claims Act |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 365 Personal Injury - Product Liability | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | PROPERTY RIGHTS | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 430 Banks and Banking | |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 450 Commerce | |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 460 Deportation | |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations | |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 355 Motor Vehicle | <input type="checkbox"/> 390 Other | <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) | |
| <input type="checkbox"/> 190 Other Contract | PERSONAL PROPERTY | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 485 Telephone Consumer Protection Act | |
| <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 720 Labor/Management Relations | <input type="checkbox"/> 490 Cable/Sat TV | |
| <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 740 Railway Labor Act | <input type="checkbox"/> 850 Securities/Commodities/ Exchange | |
| REAL PROPERTY | CIVIL RIGHTS | <input type="checkbox"/> 751 Family and Medical Leave Act | <input type="checkbox"/> 860 Defend Trade Secrets Act of 2016 | <input type="checkbox"/> 890 Other Statutory Actions |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 891 Agricultural Acts |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 791 Employee Retirement Income Security Act | SOCIAL SECURITY | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 442 Employment | IMMIGRATION | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 443 Housing/ Accommodations | <input type="checkbox"/> 462 Naturalization Application | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 896 Arbitration |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 950 Constitutionality of State Statutes |
| | <input type="checkbox"/> 448 Education | | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | |
| | | | | |

V. ORIGIN (Place an "X" in One Box Only)

| | | | | | | |
|--|---|--|--|--|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input checked="" type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|--|---|--|--|--|--|---|

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*):

18USC §2520; 18 USC §2 FOR § 2261A ET AL, USC §1983

Brief description of cause:

CALEA NONCOMPLIANCE, AIDING AND ABETTING STALKING, ET AL., DEPRIVATION CIV RIGHTS UNDER COLOR OF LAW

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION DEMAND \$ 315,000,000.00 CHECK YES only if demanded in complaint:
 UNDER RULE 23, F.R.Cv.P. JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE HON. JUDGE MICHELSON

DOCKET NUMBER 1:20-cv-12921

DATE

October 31, 2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes
 No

If yes, give the following information:

Court: EASTERN DISTRICT OF MICHIGAN

Case No.: 1:20-cv-12921

Judge: HON. JUDGE MICHELSON

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes
 No

If yes, give the following information:

Court: EASTERN DISTRICT OF MICHIGAN

Case No.: 17-CV-10517

Judge: HON. JUDGE LUDINGTON

Notes :
